

REMARKS

Claims 1 and 10 are revised to overcome the rejection based on 35 U.S.C. § 112, and to clarify the cause-effect relation between achieving cohesion of the fibers making up the nonwoven fiber material and preventing penetration of the adhesive through that material. Claim 11 is revised to correct a typographical error, and new Claims 13-15 are submitted in an effort to further define the applicant's invention. Claims 1-3 and 5-15 remain, with no claim previously allowed.

The amendment of Claim 11 should overcome the objection to that claim.

The rejection of Claims 1-3 and 5-12 under 35 U.S.C. § 112, first paragraph, is noted. In response thereto, the applicant is removing the wording "without coating the surface of the nonwoven fiber material" from independent Claims 1 and 10. However, for the reasons discussed below, the applicant submits that "coating" and "impregnating" have distinct meanings recognized in the art, and that the use of "impregnate" in the context of the present application does not include the meaning of "coating the surface".

Claim 1 defines a textile adhesive tape *consisting essentially* of an adhesive tape support formed by a textile, mechanically reinforced, nonwoven fiber material, an adhesive coating adjacent to the tape support at least at one side thereof, and with the nonwoven fiber material being imbued with a thermoplastic resin having a basis weight as defined in the claim. The thermoplastic resin impregnates the nonwoven fiber material, thereby achieving cohesion of the fibers making up the nonwoven fiber material and preventing penetration of the adhesive coating through the nonwoven fiber material.

Concerning the question of whether a textile adhesive tape consisting essentially of the limitations in Claim 1 may also include a coating on the surface of the nonwoven

fiber material, the "consisting essentially of" structure of that claim excludes any additional coating of the nonwoven material apart from the recited element "an adhesive coating adjacent to...".

Turning to the correct understanding of "impregnation" as understood in the art and as used by the present applicant, only the surface of the single fibers is subjected to resin impregnation according to the present invention. The fifth paragraph on page 1 of the specification states in part that "Cohesion of the nonwoven fibers is achieved by this resin impregnation according to the invention" (emphasis added). The paragraph also discloses that the resin impregnation compensates for a low degree of strengthening from mechanical reinforcement at the recited low basis weight of the resin impregnation (1 to 5 g/m²). This disclosure means that the resin is present only in such an amount that bonds together the individual fibers (cohesion of the fibers). Consequently, the resin is not present in the tape in such an amount that the fibers are embedded into the resin or that the resin forms an additional barrier between the fibers and the adhesive coating.

Thus, stating that the fibers are bonded by cohesion ("cohesion of the fibers") is another positive expression for the absence of an additional surface layer, in the context of the "consisting essentially of" form for Claim 1.

It should also be noted that the claimed basis weight of 1 to 5 g/m² is not sufficient for the forming of an additional surface coating or layer by the resin.

Penetration of the adhesive coating through the nonwoven fiber material is thus prevented by way of cohesion of the fibers, not by way of a barrier layer as in *Mamish* (US 5,227,225), column 1, lines 65-67.

Concerning the position that "coated" and "impregnated" have separate and distinct meanings in the art, the applicant refers to Class 442 of the Manual of Patent Classification published by the USPTO. Class 442 defines Fabric (Woven, Knitted, or Nonwoven Textile or Cloth) etc., and indented subclass 58 defines "Coated or Impregnated". Subclass 59 defines "coated or impregnated woven, knit, or nonwoven fabric...". This subclass includes subject matter "wherein the fabric is coated or impregnated with the material...".

A printout of the class definitions for Class 442/58 and 59 is included with this response for the Examiner's convenience in referring to the foregoing.

The applicant submits that the foregoing definitions in Class 442/58 and 59 show that coating and impregnation are recognized separately in the art. Thus, the wording "or" would not be necessary in those definitions and the terms would be redundant, if impregnation includes coating.

The applicant's invention nowhere mentions the terms "coating" or "surface coating" for the tape support (apart from the adhesive coating adjacent to the tape support, in the claim). Accordingly, "impregnation" has to be considered as it is recognized, namely, not including the alternative process of coating the surface of the nonwoven material. It bears repeating that what is impregnated according to the present invention is only the individual fibers, so that cohesion of those fibers is achieved by this resin impregnation according to the invention (page 1, paragraph 5). That disclosure, together with the recited basis weight of 1 to 5 g/m², means the resin is present only in such an amount that the cohesion of the fibers is achieved by resin impregnation. That cohesion of the nonwoven fibers also functions to strengthen the mechanical

reinforcement of the nonwoven fiber material, as also disclosed in that passage of the specification.

The applicant notes with appreciation that the *Mamish* reference has been withdrawn from the last Office action. Based on the foregoing discussion, the applicant respectfully submits that Claim 1 defines a textile adhesive tape that is not anticipated by that reference. Accordingly, Claim 1 and the claims depending therefrom are now in condition for allowance.

Independent Claim 10 defers from Claim 1 only in the preamble term --consisting of--, in place of "consisting essentially of" in Claim 1. Accordingly, the discussion set forth above with respect to Claim 1 applies as well to Claim 10 and the claims depending therefrom, all of which are properly allowable over *Mamish*.

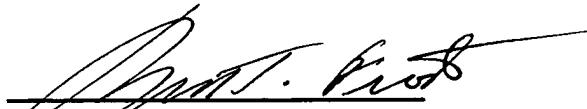
New Claim 13 presents an alternative claiming approach to the present invention. However, that new claim includes limitations discussed above, namely, that the fibers of the nonwoven fiber material are imbued with a thermoplastic resin material having a specified basis weight so as to cohere the fibers, and that the nonwoven fiber material is mechanically reinforced. The resin-imbued fibers thereby increase the mechanical reinforcement of the nonwoven fiber material and prevent penetration of the adhesive coating through the nonwoven fiber material, a result not requiring a barrier layer as necessary according to *Mamish*.

New Claims 14 and 15 are further alternative formulations defining novel expressions of the present invention.

The foregoing is submitted as fully responsive to the Office action identified above. The applicant respectfully submits that all claims now in this application are entitled to allowance and solicits a notice to that effect.

Respectfully submitted,

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58 **Coated or impregnated:**

This subclass is indented under subclass 50. Subject matter wherein the nonwoven scrim has a coating or impregnation associated therewith.

¶ 59 **COATED OR IMPREGNATED WOVEN, KNIT, OR NONWOVEN FABRIC WHICH IS NOT (A) ASSOCIATED WITH ANOTHER PREFORMED LAYER OR FIBER LAYER OR (B) WITH RESPECT TO WOVEN AND KNIT, CHARACTERIZED, RESPECTIVELY, BY A PARTICULAR OR DIFFERENTIAL WEAVE OR KNIT, WHEREIN THE COATING OR IMPREGNATION IS NEITHER A FOAMED MATERIAL NOR A FREE METAL OR ALLOY LAYER:**

This subclass is indented under the class definition. Subject matter wherein the fabric is coated or impregnated with a material which is neither a foamed material nor a metal or alloy layer, which is not associated with any other preformed layer other than additional coatings or impregnations, and which is not characterized by a particular or differential weave or knit pattern.